

EXHIBIT AA

Confidential

In The Matter Of:

N.S. o/b/o W.F. v.

STURGIS PUBLIC SCHOOLS

N.S. (CONFIDENTIAL)

August 27, 2024

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Min-U-Script® with Word Index

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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4 N.S. o/b/o W.F., Case No.
5 Plaintiff, 23-448
6 vs Honorable
7 STURGIS PUBLIC SCHOOLS, Phillip J. Green
8 Defendant.
9
10 DEPOSITION OF N.S.
11 taken on Tuesday, August 27, 2024, at Sturgis Public
12 Library, 255 North Street, Sturgis, Michigan at
13 10:05 a.m.
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1 Sturgis, Michigan
2 Tuesday, August 27, 2024
3 About 10:05 a.m.
4 ---
5 COURT REPORTER: Do you solemnly swear
6 or affirm to tell the truth, the whole truth and
7 nothing but the truth?
8 THE WITNESS: I do.
9 N.S.,
10 after having been first duly sworn, was examined and
11 testified as follows:
12 E X A M I N A T I O N
13 BY MR. COMSTOCK:
14 Q. Good morning, N.S. How are you?
15 A. Good. How are you?
16 Q. Good. We met yesterday during your son's deposition.
17 I just want to go back over a few of the ground rules
18 that I'm sure your counsel, Ms. Abdnour, talked to
19 you about, but we need verbal answers as you reminded
20 your son yesterday.
21 If Ms. Abdnour makes an objection,
22 just wait and let us sort that out and she'll either
23 give you direction or you go ahead and answer it.
24 Okay?
25 A. Okay.

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1 behavior plan. It's one of your production, Liz. I
2 don't know offhand what it is, but I can check during
3 a break.
4 MS. ABDNOUR: Thank you.
5 BY MR. COMSTOCK:
6 Q. I'll have you look at that and when you're done I
7 have a few questions on that.
8 A. Okay.
9 Q. So, do you recognize that document?
10 A. Yes.
11 Q. How do you recognize it?
12 A. As a behavior plan.
13 Q. From his 6th grade year, the spring of 2020?
14 A. I would assume that from the dates on top, yes.
15 Q. When we look through this it's got some proactive
16 strategies and reactive strategies for your son's
17 behavior. Do you see that?
18 A. Proactive -- yes.
19 Q. Okay. All right. Then on the second page of the
20 document there is a crisis safety plan that is in
21 place is case he escalates toward the bottom half of
22 that. If he becomes a danger to himself, there is a
23 certain strategy they'll use. Do you see that?
24 A. Correct. Yes.
25 Q. Did you have input into this behavior plan from a

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1 parental perspective?
2 A. Had some input, yes.
3 Q. And you knew the school was using this in his 6th
4 grade year; correct?
5 A. I would say yes.
6 Q. Okay. All right. Do you agree that some of the
7 targeted behaviors that the school was working with
8 your son is following directions, being respectful to
9 others?
10 A. Yes.
11 Q. So they gave him a break at the first 10 minutes of
12 every class?
13 A. They were supposed to give him a break at the first
14 10 minutes of every class. That did not happen all
15 of the time.
16 Q. Based on your own personal knowledge of being in the
17 school?
18 A. Based on my son and the teachers telling me, no, it
19 did not happen.
20 Q. Which teachers told you it did not happen?
21 A. I would have to go through my messages and emails,
22 but there's written record saying it did not always
23 happen.
24 Q. They also provided for some privileges like going to
25 the weight room or playing basketball at the end of

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1 the day if he had a good behavioral day. Do you see
2 that sort of highlighted in gray?
3 A. I've seen it yes. I would not agree that happened,
4 though, mostly because their goal was too long for
5 what he could comprehend. That goal was if he made
6 it through the entire day. At this point in his
7 school career I don't think he had made it through an
8 entire day without some sort of issue that would have
9 gotten something taken away.
10 Q. You had input into this behavior plan; correct?
11 A. I would assume, yes.
12 Q. Yet did you challenge this in any way that this was
13 too long? I mean did you go to --
14 A. I can't recall back then, but I have challenged
15 documents and I have lost that challenge.
16 Q. So in March of 2020, did you do any sort of
17 administrative complaint with the U.S. Department of
18 Education or the Michigan Department of Education
19 that this plan wasn't appropriate for your son?
20 A. I did not know those were even a thing.
21 Q. Okay.
22 A. At some point during his 6th grade year, I believe it
23 was his 6th grade year, I know it was in middle
24 school so I'm assuming 6th grade year because it
25 wasn't 8th, I did have mediation with the school to

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1 try to get them to listen to me and give me stuff
2 that I needed to get from his record. Like it went
3 so far as I had to get a private mediator, I think it
4 was private, and hold an actual mediation.
5 Q. So going back to this document, you see on the second
6 page about midway down where it's sort of the actual
7 electronic document has it highlighted in yellow but
8 it's gray? It says if your son gets three strikes
9 two times then you're going to be called to have a
10 conference with him. Right in this area here.
11 A. Yes.
12 Q. Okay. So this had a strike, in general this is a
13 strike policy. He would get a warning and strikes
14 about his behavior and then they would call you to
15 help maybe deescalate the situation?
16 A. That's how it was intended, yes.
17 Q. So we move forward through the 7th grade. He's
18 online. And then he comes back in the fall of his
19 8th grade year. Isn't it true that the District told
20 you that they were going to implement this March 2020
21 behavior plan because that's the last active one that
22 they had from when your son was in person?
23 A. To the best of my knowledge.
24 Q. Did you have a meeting on October 25th, 2021 with the
25 District to discuss the behavior plan?

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1 that was it. There was no contact with W.F.
2 Q. Moving forward to his 10th grade year, the year he
3 just completed, do you recall around November of 2023
4 having another IEP meeting?
5 A. Maybe.
6 Q. Okay. Did you find that your son was doing leaps and
7 bounds better since moving to online in terms of his
8 academics?
9 A. He was doing a lot better. I don't know about leaps
10 and bounds, but he wasn't getting straight A's.
11 Q. Okay.
12 A. He was still struggling.
13 Q. But he was improving from when he was in person?
14 A. He was improving, yes. He was actually getting work
15 done.
16 Q. So the online work suited him?
17 A. I feel like it did, yes.
18 Q. Did you notice his anxiety was less when he was doing
19 school work on an online setting?
20 A. So overall anxiety for not going into a school
21 building or only going in because he still went in
22 for anywhere from one to nine hours a week. It was
23 up to him. So his overall anxiety for not having to
24 go into the school building was way less. Anxiety
25 for doing work now is still there especially

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1 something that he struggled with. Like physics. He
2 had physics open for a year and a half, almost two
3 years by the time he finished it which is only a half
4 a semester or it's a semester class.
5 Q. So there's still some subjects he struggled with?
6 A. Oh, he still struggles with academics, yes. He can
7 just focus more online when he's not focused on, you
8 know, a thousand other kids in the building.
9 Q. Okay. Did you see him when he was at school those
10 one to nine hours a week when he was online, was he
11 doing better emotionally while he was at school?
12 A. The reports I got from his SPED teacher, was, yeah,
13 he was usually very appropriate. He was kind most of
14 the time. He would tell jokes. Some of them got
15 towards the line of maybe not appropriate, but I
16 think he only ever like crossed that line maybe once
17 and that was with a secretary who we already had
18 problems with.
19 Q. Okay. From the October/November 2022 period through
20 the October 2023, so roughly a year, do you recall
21 any behavioral referrals from the school during that
22 time period?
23 A. From when?
24 Q. October '22 to October '23.
25 A. That was 10th grade?

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1 Q. October '22 was 9th grade through October '23 which
2 is 10th grade. In that year when he switched to
3 online in that period, did you notice any behavioral
4 referrals from him going into school on those periods
5 when he did?
6 A. I know he got one, maybe two. There might be three.
7 Q. All right. So he's doing a little bit better
8 behaviorally?
9 A. He was doing a lot better behaviorally, yes.
10 Q. Okay.
11 A. But he also only had to interact with, like he got a
12 behavioral, he got in trouble with the secretary and
13 after that it was, the SPED teacher would come when
14 he got there so he didn't have to interact with
15 anybody, just the SPED teacher walked him directly to
16 the class. And once that started happening, he
17 didn't get in trouble at all.
18 Q. So the school worked with him on how to reduce those
19 negative interactions?
20 A. The SPED teacher did, yes.
21 Q. SPED teacher, part of the school?
22 A. Well, I don't want to generalize the school as a
23 whole because admin was not very helpful in my
24 opinion.
25 Q. Do you remember around in October of '23 when you

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1 were doing that IEP meeting that the IEP added some
2 supports like breaking his math problems into smaller
3 steps? Is that something that you recall?
4 A. That sounds familiar.
5 Q. Then the teachers would read him assessments or
6 assignments if they were longer than one paragraph?
7 A. It sounds familiar.
8 Q. Okay. And do you recall a reduction in the length of
9 his assignments where there was repetitive questions?
10 A. That sounds familiar.
11 Q. Okay. These things were helping him in terms of his
12 academics?
13 A. Yeah, I know, I know specifically the, like the
14 repetitive questions, I don't remember what course he
15 was taking online but he was taking a course and they
16 use Odyssey Ware which is a really nice program for
17 online kids or at least for W.F., but there was one
18 subject and it asked him the same thing but like four
19 different ways and that frustrated him because I
20 don't know why actually why it frustrated him but it
21 frustrated him, but then when we started talking
22 about that and the teacher was able to get rid of
23 three of the four if they were asking the same thing,
24 he did amazing with it.
25 Q. Do you remember anything around his IEP that was

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1 modifying his tests? It sounds like that's what we
 2 were just talking about. So less choice and a
 3 reduction in the number of questions that he had to
 4 do?
 5 A. That sounds right.
 6 Q. Okay. Did his time frame to complete assignments and
 7 tests get extended at this point? He got like two
 8 extra days to do things?
 9 A. I'm not sure whether it's written in the IEPs or not.
 10 There's never really been a huge demand of you have
 11 to get these done by this date because there was such
 12 an issue with him doing work, understanding the work
 13 to do it, getting help to understand to do the work
 14 to do it that nobody really ever in my, that I can
 15 recall, nobody ever really held it against him if he
 16 didn't get it done.
 17 So like if there was an English paper
 18 they wanted him to write a paragraph about and it was
 19 due let's say the end of September and he did it by
 20 December with the help of SPED and like that teacher
 21 knew that they were working on it, they were okay
 22 with that.
 23 Q. From your experience he wasn't penalized in terms of
 24 academic grade for something being late?
 25 A. Correct. The only time he was ever penalized that I

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1 can recall would be with Mr. Cary with gym. If he
 2 was absent, he was expected to write a paper about
 3 something to do with physical education.
 4 Q. Okay. I think I got just a few more questions and
 5 then we'll take a break for lunch because it's almost
 6 12:00 and we've going at it for a couple of hours.
 7 Distinguishing between extended school
 8 year services, ESY and summer school, I want to focus
 9 on summer school. Did your son ever participate in
 10 summer school classes?
 11 A. Up until this last year he was never offered summer
 12 school or extended school year.
 13 Q. But he did some this summer we're coming through,
 14 2024?
 15 A. Yes, he was allowed. Well, I guess technically he
 16 was allowed to come in Monday, I think it was Monday
 17 through Thursday is when summer school was set up,
 18 but they only allowed SPED teachers, a SPED teacher
 19 two hours a week to help special education kids
 20 through summer school. So he got two hours a week.
 21 Q. And he would go to those times?
 22 A. Yes.
 23 Q. In the summer? Okay. Is, this current school year,
 24 he's back in person?
 25 A. Yes.

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1 Q. Okay. He's participating on the football team?
 2 A. Yes.
 3 Q. And he's taking some career technical education
 4 classes at the CTE center?
 5 A. At the moment, yes.
 6 Q. That's aimed at some career transitioned, looking at
 7 post education what he might want to do?
 8 A. I think it just sounded fun to him now.
 9 Q. Oh, okay. So he's not taking that automotive class
 10 because he's thinking that might be what he wants to
 11 do after graduation?
 12 A. I don't personally think so, no.
 13 Q. You don't think he's doing it for that reason?
 14 A. Correct.
 15 Q. Coming into this year, is he on track to graduate?
 16 A. No.
 17 Q. What does he need to do to get back on track?
 18 A. He needs more credits.
 19 Q. He's got to complete more credits?
 20 A. Like 9th grade year was a completely wasted year,
 21 completely wasted.
 22 Q. I thought he went online and did well academically?
 23 A. He did 1.5, maybe two credits. They're supposed to
 24 get seven a year.
 25 Q. Why was he only doing 1.5 to two credits? Was it

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1 just --
 2 A. It was the teacher that was in charge of the online
 3 schooling. There was a huge issue of she wanted him
 4 to only have access to one class at a time because
 5 that's how they would have gen-ed kids do it and
 6 since he went mostly virtual he needed, I felt, he
 7 needed access to multiple classes. A, he also gets
 8 bored so if he wanted to switch a subject he could.
 9 But it was a constant fight.
 10 Q. Last little topic here before lunch. You had filed a
 11 due process complaint against the District and the
 12 ALJ had awarded some relief as a part of that
 13 decision and specifically 65 hours of compensatory
 14 education. Do you recall that?
 15 A. I do.
 16 Q. That, the provision of that compensatory education,
 17 the delivery of it began in March of 2023. Do you
 18 recall that?
 19 A. That sounds about accurate.
 20 Q. All right. Then your son was receiving those
 21 compensatory education hours March, April, May of
 22 2023?
 23 A. Sounds correct.
 24 Q. Did there come a time when the compensatory education
 25 was offered but your son didn't take advantage of it

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1 because of driver's training?

2 A. I don't believe it was because of driver's training.

3 It was because myself and two of my daughters got

4 into a head-on collision.

5 Q. Oh, I'm sorry.

6 A. Thank you.

7 Q. All right.

8 A. Then two weeks, three weeks later, him and his step

9 dad got into a collision. It was a rough summer.

10 Q. I'm sorry. I'm sorry. Okay. Would he sometimes

11 miss the offer to compensatory education because his

12 car didn't start or your car didn't start I guess

13 would be more accurate?

14 A. I don't know if it was because the car wouldn't

15 start. We were down a vehicle.

16 Q. Let me ask you more generally.

17 A. I won't say that didn't happen.

18 Q. Let me ask it more generally. The compensatory

19 education that the District offered, were there times

20 that your son had to miss it?

21 A. Yes.

22 Q. And that was because of things going on in your

23 family?

24 A. Correct.

25 Q. Do you know in total how many hours of compensatory

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1 education these different things going on in your

2 family caused him to miss?

3 A. I couldn't tell you.

4 Q. Are there current plans, did those get made up in the

5 '23/'24 school year?

6 A. The school said no.

7 Q. The school said no. Okay. But they had offered it

8 but there was just things interfering with his

9 participation?

10 A. No, the school only offered it until roughly the end

11 of July, beginning of August of that year, of last

12 summer. They didn't offer it after that.

13 Q. Was there a time when your son didn't stay after

14 school for the available compensatory education hours

15 on any occasion?

16 A. Well, it wouldn't be because he didn't stay after

17 school because he wasn't in school to begin with.

18 Q. Okay. Like when he came in for one of those days.

19 A. That was way earlier in the day.

20 Q. That was way earlier in the day?

21 A. Yeah. So during the compensatory education time when

22 he would come in for like the SPED teacher to help

23 him, that was roughly third or fourth hour. So he

24 was maybe noon at the latest he stayed and then he

25 was gone. Like compensatory ed didn't start until

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1 roughly 3, 3:30 I want to say.

2 Q. So why wouldn't he come in for that?

3 A. It would depend.

4 Q. But he would miss it sometimes?

5 A. Yeah.

6 Q. And that's because he chose not to come in?

7 A. I do think there was a couple of times he chose not

8 to come in because in his words this is stupid. He

9 is not helping me. I didn't understand this.

10 Q. Did doctor's appointments conflict with these times

11 for compensatory education?

12 A. Potentially mine.

13 Q. Yours? Okay.

14 MR. COMSTOCK: All right. Why don't

15 we take a break, go off the record here?

16 (Whereupon a recess was held off the

17 record from 11:58 a.m. until 12:52

18 p.m.)

19 BY MR. COMSTOCK:

20 Q. So we took a break there for lunch, Ms. N.S. and so

21 now I want to get into a couple of areas within your

22 Complaint. The first one would be the Title 6 or

23 racism issues that you raised in your Complaint. Are

24 you familiar with those allegations?

25 A. Yes.

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1 Q. I don't have it in front of me, but in April of 2020

2 the IEP noted that you were raising or pointed out

3 there had been "incidents of racism toward your son".

4 Do you recall that in your Complaint, Paragraph 82

5 and 83?

6 A. Yes.

7 Q. Did you report those incidents of racism to the

8 school when they occurred?

9 A. I told his special ed teacher and the assistant

10 principal.

11 Q. You did that over email or verbally?

12 A. Without looking at email I couldn't tell you. Some

13 things were email, some were texts, some were phone

14 calls. It all depended how they were able to be

15 reached.

16 Q. So there would be documentation that you turned over

17 those reportings?

18 A. If they were through emails or texts, yes.

19 Q. Okay.

20 A. If they were over the phone, no.

21 Q. What was the specific incidents that you were talking

22 about in those two paragraphs in your Complaint?

23 A. The couple that had really upset me was the football

24 fight.

25 Q. Okay.

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1 Q. Right after her use of the "N" word?
 2 A. Right after the first issue after her use of the "N"
 3 word. The use of the "N" word in the video is not
 4 the issue for us. It is the stuff, the interactions
 5 that followed afterwards.
 6 Q. Okay. So I'm confused so let's try to get on the
 7 same page with each other.
 8 A. Okay.
 9 Q. Since I didn't live this I don't have it all in my
 10 head. Mrs. Littlefield used the "N" word. It was
 11 recorded. Students were sharing it.
 12 A. Yes.
 13 Q. The District put a stop to that sharing?
 14 A. Yes.
 15 Q. W.F. was not in the room when she used it?
 16 A. Correct.
 17 Q. He did not take offense to her use of it because he
 18 understood the context?
 19 A. Correct.
 20 Q. So after all of that happened, something else
 21 happened. What are you referring to?
 22 A. The, when he was at the locker with his friend.
 23 Q. Okay. At one point your son was discussing the
 24 incident in class. He was actually using the "N"
 25 word and referred to Mrs. Littlefield as Ms. Nig and

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1 the "N" word in class and called Mrs. Littlefield Ms.
 2 Nig in class.
 3 A. Okay.
 4 Q. Correct? We agree on that?
 5 A. I think so, yes.
 6 Q. So if he's doing that kind of behavior and speech in
 7 class, if someone tells him the way you're talking is
 8 racist, isn't that reasonable for a teacher to say?
 9 A. I'm torn on that answer. I would probably agree with
 10 that, but I know people from the African-American
 11 culture speak totally different including my kids who
 12 were raised by me who is white, they still speak
 13 differently than I do and I don't understand the
 14 divide. I don't agree with it. I don't agree that
 15 like W.F. could say the word and it be fine, but like
 16 a white friend couldn't. Like I don't -- it's dumb
 17 to me.
 18 Q. So let's take it from the District's perspective. If
 19 a student is using the "N" word it's reasonable for
 20 the District to tell that student to stop regardless
 21 of the race of the student saying the word?
 22 A. They're predominately white so I would agree.
 23 Q. So if your, would the same standard hold true for
 24 your son regardless of race that if he's using the
 25 word he should stop?

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1 was told to stop that. Are you familiar with that
 2 situation?
 3 A. From yesterday, yeah. I recall you talking about it
 4 yesterday.
 5 Q. But you weren't aware of that being an issue with
 6 your son at the time it happened?
 7 A. I could have been.
 8 Q. You allege in your Complaint that the teacher that
 9 admonished your son, and we just agreed what
 10 admonishment meant, told him that discussing it was
 11 racist. Who was that teacher?
 12 A. I'd have to re-read the text messages, but I'm pretty
 13 sure it came from Mrs. Richardson.
 14 Q. So if your son is discussing the incident in class
 15 and using the "N" word or some form of it, my words,
 16 by inappropriately calling a teacher that word, isn't
 17 it fair that a teacher would, reasonable that a
 18 teacher would tell him that continuing to talk about
 19 it is racist?
 20 A. I don't think so, no.
 21 Q. So your son can use --
 22 A. Hold on. Could you repeat the question because I
 23 think I might have missed part of it?
 24 Q. Sure. Sure. We agree that your son at some point
 25 after this incident was discussing it and was using

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1 A. I would agree with that, yes.
 2 Q. So I think now we're at chronologically Mrs.
 3 Littlefield allegedly said that your son looks
 4 suspicious during an incident involving a locker and
 5 getting stuff out of it. Do you recall that?
 6 A. I do.
 7 Q. Was that in like December of '21?
 8 A. I could not tell you without looking.
 9 Q. Okay. Did you report her statement of him looking
 10 suspicious as racial harassment at the time?
 11 A. I did.
 12 Q. Who did you report it to?
 13 A. Mrs. Richardson.
 14 Q. Okay. Are you aware of whether there was any
 15 internal investigation into Mrs. Littlefield's
 16 speech?
 17 A. I have no idea.
 18 Q. So the District could have done an investigation, you
 19 just aren't made aware of it?
 20 A. Probably.
 21 Q. Your Discovery Answers also stated that, "Many
 22 conversations about racism", had occurred with Mrs.
 23 Littlefield where your son felt harassed and
 24 profiled. Can you tell me what these many
 25 conversations were?

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1 A. So one of them would have been as you discussed with
2 him yesterday where she just came into the room and
3 bypassed the teacher to scold him in front of a class
4 full of his peers.
5 Q. Okay. Your son testified that he did bang on the
6 wall?
7 A. Yes.
8 Q. And was being loud. So her coming in and asking your
9 son to not be loud is racial harassment?
10 A. When it is 20 minutes later and you don't take into
11 consideration that the kid has in his IEP or other
12 documentation that he's a naturally loud kid because
13 he has hearing loss? I do believe it's more than
14 just a hey, you banged on the wall 20 minutes ago.
15 Q. So you're speculating that she was somehow racially
16 motivated by telling him to stop banging on the
17 walls?
18 A. This is all speculation.
19 Q. What other conversations about racism?
20 A. There was an incident where W.F. was waiting for the
21 bathroom.
22 Q. Okay.
23 A. And in this particular bathroom, my understanding is
24 there is two stalls but the school removed one of the
25 stall doors. This is during a time I think where

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1 kids were doing some TikTok challenge of the biggest
2 thing they could steal. I unfortunately think the
3 door was one of them. But there was a kid using the
4 other stall so W.F. waited by the door, like the
5 entrance, and there was another kid that came. And
6 W.F. asked the kid if he just had to pee and the kid
7 said, yeah, because at that time this kid that was in
8 the stall had walked out or was walking out. The kid
9 said, yes. The kid went into the stall to pee.
10 While he was in there, Mrs.
11 Littlefield came walking down the hall. W.F. seen
12 her. Did not want to interact with her. We had
13 already had multiple conversations where we just
14 didn't want W.F. and Mrs. Littlefield to, they had no
15 classes together. There was no reason for them to
16 talk to each other unless there was an emergency.
17 So W.F. went behind the bathroom door
18 which I mean like closed it halfway. Mrs.
19 Littlefield came up and tried to open the door, hit
20 W.F. which played the game win stupid prizes. With
21 that one, W.F. stepped out from behind the door.
22 Mrs. Littlefield said, Why were you behind the door?
23 He said, Because I seen you coming and I didn't want
24 to fuckin' talk to you. Then he proceeded to walk
25 into like fully into the bathroom because they're

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1 like these different shapes.
2 So he walks into the bathroom. The
3 first kid had walked out as, I think as they were
4 talking. And then the second kid was walking out of
5 the stall. W.F. went to walk into the stall. Mrs.
6 Littlefield just continued on and cornered him in the
7 bathroom stall to which W.F. went into fight or
8 flight mode. He ended up yelling at her and then he
9 left, went down to the focus center because he knew
10 he was going to be in trouble because he yelled at
11 her.
12 And Mrs. Richardson, I believe she was
13 somewhere in the hallway or she heard him. One of
14 the two. I don't remember exactly what. But she met
15 him in the hallway, asked him what was wrong. We
16 wasn't cooled down enough to talk. He went into the
17 focus room, Mrs. Richardson went into the focus room
18 and Ms. Bissett who is the focus room like teacher,
19 she asked him, she gave him a minute and then asked
20 him, hey, what is going on? She started or he, W.F.,
21 started talking to her telling her what just
22 happened.
23 Mrs. Littlefield came into the room
24 and got right next to him like in W.F.'s bubble.
25 That's according to W.F. And started talking over

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1 him, telling him that he was lying. He was not
2 telling the truth. What he was saying was not
3 accurate which then continued to escalate him.
4 Q. So, given your summary of what happened, it may not
5 need to be stated, but you weren't there for any of
6 that?
7 A. Correct.
8 Q. So you didn't see anything that your son might have
9 been doing before he ducked behind the bathroom door?
10 A. Correct. No, the camera seen it.
11 Q. And you saw that video?
12 A. I believe so.
13 Q. Okay. And you weren't in the focus room when Mrs.
14 Littlefield came in there so you didn't actually hear
15 her words?
16 A. Correct.
17 Q. And you weren't there to observe whether she was in
18 your son's bubble or anything?
19 A. Correct.
20 Q. But you, your assertion is that her asking him why
21 he's in the bathroom or why he's behind the door is
22 racially motivated?
23 A. The asking him why he went behind the door? No, I
24 get that. That was the play the games, win super
25 prizes. Following -- a female teacher following a

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1 their way to keep their records of write ups for
2 every kid.
3 Q. But you had the opportunity to go in and ask for
4 printouts of what was recorded in that system?
5 A. Correct.
6 Q. Did you ever ask for those printouts?
7 A. Probably, but I couldn't tell you 100 percent.
8 Q. Okay. So from my understanding we talked just before
9 you left on break that your son before this fight
10 with M.M., your son and M.M. got into a yelling match
11 in the hallway that was before this fight. Do you
12 recall that?
13 A. I recall hearing something about that, yeah.
14 Q. Does late August, August 31st ring a bell to you?
15 A. It could have been.
16 Q. Your son's testimony was that he got into this
17 yelling match because, and this is my summary,
18 because M.M. had pushed down one of your son's
19 friends who had a broken leg and who was on crutches?
20 A. Correct.
21 Q. Do you recall your son's testimony?
22 A. Yes.
23 Q. Your son testified between that incident, between him
24 and M.M. and the actual fight was maybe a month in
25 time. Do you remember that?

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1 A. I think so, yes.
2 Q. It looks like it's more like two weeks, but
3 essentially there was time between when he got into
4 this yelling match with M.M. and then actually fought
5 him. Would you agree with that?
6 A. Right. Yeah. I know he pushed, like the incident my
7 son was referring to was hitting J.R. and pushing
8 him. That happened on the very first day of school,
9 maybe the second.
10 Q. Yeah. I don't have the school calendar in front of
11 me to know, so, okay.
12 A. Yeah.
13 Q. We watched some videos yesterday about this fight
14 that people made and that you turned over in
15 Discovery. One of those videos your son is seen
16 tapping his cheek. Do you remember that?
17 A. I do.
18 Q. And your son said he was trying to egg M.M. on to hit
19 him. Do you remember your son's testimony about
20 that?
21 A. I do.
22 Q. So your son was kind of provoking M.M. in the sense
23 that he was asking him or taunting him to hit him;
24 right?
25 A. Yes.

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1 Q. You agree that your son was the one that threw the
2 first punch?
3 A. Yes.
4 Q. We heard some exchanges on those videos of racial
5 slurs and epithets and it's a little hard to tell,
6 but those things were occurring as they were talking
7 to each other. Do you remember that?
8 A. Yes.
9 Q. Are you aware of whether the District did an
10 investigation into this fight?
11 A. I am pretty sure they did because I'm the one that
12 turned over most, not all, because some students that
13 took the videos turned them over, but I turned over
14 most of the videos because they were sent to me
15 before I ever knew that W.F. had gotten into a fight
16 that day from other students. And then I also found
17 his Instagram with all of the gun pictures which like
18 heightened my sense. Then there was one video that
19 was sent to me which might have been one of the ones
20 you played last night. I'm not sure. Or yesterday,
21 where right before W.F. swings, M.M. says, I will
22 shoot you Niger. So that all, like I was in almost
23 daily contact with the school about different stuff
24 that I seen or found.
25 Q. So from your perspective there was an investigation

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1 going on because you were turning over what you
2 believed was things that they should look at?
3 A. Yes.
4 Q. So if I heard you correctly, you went on M.M.'s
5 Instagram page and got these different messages off?
6 A. The pictures, yes.
7 Q. The pictures? Okay. So I'm going to show you what
8 is marked as Exhibit 7 for your son's deposition.
9 MR. COMSTOCK: And I'm just going to
10 ask co-counsel, are we at 7?
11 MS. ABDNOUR: We're at 8.
12 MR. COMSTOCK: This will be, we'll
13 just leave it as 7 from yesterday because we can find
14 it.
15 MS. ABDNOUR: Let's mark it as Exhibit
16 8 for today.
17 MR. COMSTOCK: Okay.
18 (Whereupon Deposition Exhibit No. 8
19 was marked by the court reporter.)
20 BY MR. COMSTOCK:
21 Q. So your testimony just now is that these images that
22 we, I'm showing you have all been marked with
23 Plaintiff Bates numbers. You found these on M.M.'s
24 Instagram page?
25 A. Yes.

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1 Q. And when you found them, do you know when there were
2 posted? Before the fight or after the fight?
3 A. Before the fight.
4 Q. Does your son follow M.M.'s Instagram page?
5 A. No.
6 Q. So your son would have no way of knowing that M.M.
7 posted these pictures?
8 A. No. I'm actually the one that showed my son and
9 asked him if he knew about them.
10 Q. And you don't know why M.M. was posting these or
11 anything about the pictures other than they were just
12 on his Instagram account?
13 A. Correct.
14 Q. Okay. Couple of these images that you produced
15 Plaintiff production 000183 in the middle here it
16 talks about there's a text message exchange, and for
17 clarity of the record you don't know who M.M. is
18 talking to?
19 A. I do not. No.
20 Q. So how did you get this image?
21 A. These I believe were sent to W.F. and he showed me.
22 Q. Okay. So you don't know who he was, M.M. was talking
23 to?
24 A. I do not.
25 Q. You don't know if they occurred before or after the

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1 fight?
2 A. They occurred after the fight.
3 Q. This 10:04 in the corner of 000183, do you know if
4 it's 10:04 at night or 10:04 in the morning?
5 A. I couldn't tell you.
6 Q. So these could have been exchanges that occurred
7 after school hours?
8 A. Yes.
9 Q. Did the District contact the police after you showed
10 them those messages we just looked at in Exhibit 8?
11 A. I have no idea. I contacted the police.
12 Q. Okay. There was some either in your Complaint
13 allegations or in your Discovery responses that M.M.
14 verbally threatened your son outside of his home? Do
15 you recall that?
16 A. Like at the home?
17 Q. Yeah.
18 A. No.
19 Q. He never did that?
20 A. No.
21 Q. Okay.
22 A. I would assume that would mean like the messages.
23 They weren't at the home, but they weren't in school
24 either.
25 Q. Okay. I just want to make sure that I got it right

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1 because I do make mistakes.
2 A. Yeah, he's never come to the house.
3 Q. Basically regardless how I interpreted that
4 statement, in your Discovery Responses, M.M. has
5 never set foot on your property?
6 A. Correct.
7 Q. He's never verbally threatened your son on your
8 property?
9 A. Correct.
10 Q. Do you know if M.M. was charged criminally based on
11 this fight?
12 A. I have to look at the Complaint. He was charged, but
13 without looking at it, I don't remember if it's for
14 -- I would almost say it had to have been because of
15 the fight because I don't think they found any guns
16 when they searched his house.
17 Q. Isn't it true that you appeared on M.M.'s behalf
18 during his criminal proceedings?
19 A. I appeared on my son's behalf, but I did speak when
20 given the opportunity at sentencing.
21 Q. And did you speak in favor of greater punishment or
22 lesser punishment for M.M.?
23 A. Not really either. I spoke in M.M. you can change
24 your ways. Like you don't have to keep going down
25 this road.

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1 Q. Okay. All right. After your son got into this fight
2 with M.M., did your son ever tell you of M.M. making
3 any other racial slurs or epithets using the "N" word
4 against him?
5 A. There may have been one. I won't swear to it.
6 Q. Okay.
7 A. There was a couple, so like when M.M. and W.F. got
8 into the fight until approximately, there was
9 approximately about a week, there was a lot of
10 interactions through third parties with M.M. trying
11 to send messages to W.F. W.F. had already blocked
12 him on everything so even if he found him he couldn't
13 like message him or anything like that. So I don't
14 know exactly how many there were. I do believe I
15 turned everything in that W.F. told me about though.
16 Q. So let's say after your son's suspension for this
17 fight he came back to school. Was M.M. in school at
18 that time too?
19 A. So the day W.F. was supposed to return to school and
20 wasn't allowed in the building or allowed to stay in
21 the building M.M. was in the middle of a like a
22 safety assessment meeting that they have to do with
23 kids, kids that make threats. And Heather went into
24 the meeting and talked about my son.
25 Q. I'll pause you there. We're going to get to that.

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1 My question was just a little bit more narrow. After
2 this fight did both M.M. and your son return to
3 school in person for the rest of the school year?
4 A. Well, my son returned to school in person, but then
5 became online that year. M.M. I do think he, I don't
6 know if he returned or not. I know before W.F. went
7 virtual there was like a safety plan type thing set
8 up so they wouldn't cross paths with what their
9 current schedules were like pre-suspension. So I
10 don't know if he ever went back in person.
11 Q. So the District set up a plan so they would have no
12 contact?
13 A. Yes. And they wouldn't cross paths.
14 Q. In response to the two of them fighting?
15 A. Correct.
16 Q. And you thought that was a good step?
17 A. Yes.
18 Q. So I want to try to get an answer here and I'm
19 probably asking it poorly. The two of them got in a
20 fight. There was a week after this fight where there
21 was messages coming from third parties trying to get
22 to W.F., your son, and he blocked them all. And then
23 things settled down and both of them got back to
24 school. Are we clear on that sort of general
25 timeline?

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1 A. Well, I don't know if M.M. went back to school, but,
2 yes.
3 Q. Did your son ever tell you during the rest of that
4 school year of any racial slurs, epithets or use of
5 the "N" word or the like by M.M. directly to your
6 son?
7 A. I don't recall. No.
8 Q. Okay. Okay. What are the things that you in your
9 Discovery Responses? You point to as an example of
10 racial harassment is this class where they had to do
11 an activity about slavery. Is that your assertion?
12 A. Yes.
13 Q. And your Discovery Responses say this occurred in May
14 of 2022; is that correct?
15 A. Sounds correct.
16 Q. So that would have been the spring of his 8th grade
17 year?
18 A. Correct.
19 Q. According to the School District and you said in your
20 Discovery Responses this happened on May 13th.
21 A. That would most likely would be correct.
22 Q. According to the school's attendance records on May
23 13th, 2022 your son was out of school on a
24 suspension.
25 A. The whole day.

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1 Q. Yeah. So maybe you got the date wrong.
2 A. That is a possibility or I would have to look at
3 their attendance because that year there was a lot of
4 issues.
5 Q. Okay. All right. So, let's just go with there is
6 this class. We don't know the specific date right
7 now because there is some discrepancy between your
8 memory and the District's attendance records.
9 A. Okay.
10 Q. And your son was allegedly kicked out for calling
11 another student a cotton picker. Is that what your
12 allegation is?
13 A. Repeat that one more time.
14 Q. Did your son get kicked out of that class for calling
15 another student a cotton picker?
16 A. That part I would have to re-read the incident report
17 because the cotton picker particular part is not what
18 my memory is telling me.
19 Q. Okay. So in response to the District's Interrogatory
20 No. 6, Paragraph 13, you have listed May 13th, 2022
21 and you give a specific description of the incident.
22 It has to do with this assignment or exercise on
23 slavery by Mrs. Scheid about them pretending to be
24 slaves. You state in your Discovery Response, "He",
25 your son, called one of his friends who also had to

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1 pretend to be a slave a "cotton picker".
2 A. Okay.
3 Q. I want to make sure that I'm clear on what you said
4 happened.
5 A. Right.
6 Q. So according to your Discovery Responses on whatever
7 date that class was, your son your son was kicked out
8 of the class because he called someone else a cotton
9 picker?
10 A. Well, there was also another issue and I couldn't
11 tell you if, it was the same, like same day.
12 Q. Okay.
13 A. Where --
14 Q. Hold on. Let me get to a question. Again, your
15 attorney will have time to clarify things if I've
16 done a poor job asking you questions or if you felt
17 there was more to say.
18 Okay. So, in Plaintiff 00027 there
19 was an incident on 4-29 that Ms. Scheide?
20 A. Scheid.
21 Q. Scheid recorded about being outside doing a class
22 activity?
23 A. I can't read it just so you know. Okay. 4-29 you
24 said?
25 Q. Yeah. He was horsing around with another student